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LIBER 1 PAGE 215

*Supersedes 73-13*

COUNTY COUNCIL  
OF  
HARFORD COUNTY, MARYLAND

1973 Legislative Session, Legislative Day No. 73-25

Bill No. 73-39 (as amended)

Introduced by Mr. Habern W. Freeman

AN EMERGENCY ACT to repeal Section 471A of the Code of Public Local Laws of Harford County, title "Solid Waste" and to enact new Section 471A in lieu thereof, title "Solid Waste", to stand in the place of the section repealed, providing for the regulation and control of Solid and Liquid Waste and other materials and generally relating to the regulation, control, collection and disposition of waste materials.

By the Council August 21, 1973

Introduced, read first time, ordered posted and public hearing scheduled on  
October 4, 1973, at 7:30 P.M. in the  
Council Hearing Room, Bel Air, Maryland.

By order, *Wm. Gene B. Johnston*, Secretary

1 Section 1. Be It Enacted by the County Council of Harford County,  
2 Maryland, that Section 471A of the Code of Public Local Laws of  
3 Harford County, title, "Solid Waste" be, and it is hereby,  
4 repealed and that new Section 471A, title "Solid Waste" be, and  
5 it is hereby, added to the said Code in lieu thereof to stand in  
6 the place of the section repealed and said new Section to read  
7 as follows:

8 471A. Solid Waste

9 (a) Definitions:

10 (1) Commercial Refuse: The refuse from wholesale and  
11 retail stores, restaurants, florists, beauty shops, variety  
12 stores, hardware stores and other commercial enterprises.

13 (2) Emergency: Shall mean a sudden, unexpected and  
14 unforeseen condition of such public gravity as to require  
15 immediate action to carryout the purpose of this law.

16 (3) Garbage: The animal and vegetable wastes resulting  
17 from the handling, preparation, cooking and consumption of foods,  
18 exclusive of recognized industries, and human or animal feces.

19 (4) Hazardous and Special Waste: Hazardous solid and  
20 liquid wastes such as, but not limited to, highly flammable  
21 materials, explosives, pathological wastes, poisons, infectious  
22 wastes from hospitals and doctors' offices, and radioactive  
23 materials.

24 (5) Incinerator: Shall mean any approved equipment,  
25 device or contrivance used for the destruction of garbage, rubbish  
26 or other wastes by burning at approximately 1200°F.

27 (6) Industrial Refuse: Industrial refuse consists of  
28 solid waste materials from factories, processing plants and other  
29 manufacturing enterprises including putresible garbage from food

1 (7) Odors: Shall mean that property of an emission  
2 which stimulates the sense of smell.

3 (8) Offal: The waste animal matter from butcher and  
4 slaughter or packing houses.

5 (9) Open Dump: Any land publicly or privately owned,  
6 other than an approved sanitary landfill, on which there is a  
7 deposit or an accumulation, either temporary or permanent, of  
8 any kind of organic or inorganic refuse.

9 (10) Open Fire: Shall mean a fire where any material  
10 is burned in the open or in a receptacle other than a furnace,  
11 incinerator, or other equipment designed and approved for the  
12 destruction of specific materials.

13 (11) Person: The term person when used in this law  
14 means any natural person, institution, association or corporation  
15 or other entity generating, storing, collecting, transporting,  
16 disposing, or contracting directly or indirectly to collect,  
17 to have collected or transported and/or disposing of solid or  
18 liquid wastes within Harford County.

19 (12) Refuse Collection: The removal and conveyance of  
20 refuse from temporary storage points to disposal sites by  
21 municipalities, contractors, and others.

22 (13) Refuse Disposal: The method of final disposition  
23 of refuse.

24 (14) Refuse Storage: The temporary storage of refuse  
25 by households and commercial establishments, all of which is  
26 produced on the premises where the refuse is stored.

27 (15) Sanitary Landfill: A planned and systematic  
28 method of refuse disposal whereby the waste material is placed  
29 in the earth in layers, then compacted and covered with earth

1 residences, including trash, garbage, rubbish, industrial refuse  
2 and commercial refuse, excluding body excrements.

3 (17) Trash: All solid waste, other than garbage and  
4 offal, from stores, institutions, markets and other establishments,  
5 further classified as combustible (mostly paper, wood, and cloth)  
6 and noncombustible (metals, glass, crockery).

7 (b) Collection License Procedure: Any person engaged in  
8 refuse or liquid waste disposal for compensation shall be licensed  
9 by the Harford County Division of Permits and Licenses. The  
10 applicant for a collection license shall submit information on  
11 the number, type, make, year, and capacity in cubic yards and  
12 tonnage or tank capacity of vehicles proposed to be employed in  
13 collection service. A separate application will be submitted  
14 for each vehicle. There shall be an annual inspection of the  
15 collection equipment, jointly performed by a representative of  
16 the Director of Public Works and the Harford County Health  
17 Department. Each application shall be jointly approved prior  
18 to issuance of any license for operation. In addition thereto,  
19 routine inspections of collection equipment may be made by  
20 representatives of the Health Department or Department of Public  
21 Works.

22 (1) Applications for the above required inspection  
23 will be mailed annually by the Department of Health to each  
24 licensed person or firm prior to November 15.

25 (2) License Term: Licenses issued under Section (b)  
26 shall be valid for one (1) year and must be renewed one (1)  
27 year from the date of issuance.

28 (3) Fees: License fees shall be as established by  
29 the Harford County Council and promulgated in a County ordinance

1 shall have the opportunity to confront witnesses against him, to  
2 present evidence on his own behalf and may be represented by an  
3 attorney. -The Collector shall have the right to appeal the-  
4 decision of the Director to the County Council or its-designated  
5 appeals-board.

6 (4) Each collection vehicle shall be identified with  
7 the name of person, firm, or corporation printed on each door.  
8 This shall be legible and be proportioned in letters three (3)  
9 inches in height.

10 (5) Any person, firm or corporation engaged in refuse  
11 collection and disposal or liquid waste collection and disposal  
12 for compensation shall post a performance bond in an amount  
13 of not less than One Thousand Dollars (\$1,000.00) per vehicle,  
14 such bond to be furnished to the Division of Permits and Licenses  
15 prior to issuance of any license for operation. IN THE EVENT  
16 THAT THE BOND IS FORFEITED FOR NON-PERFORMANCE, THE DIRECTOR OF  
17 PUBLIC WORKS MAY REQUIRE THE COLLECTOR TO SHOW CAUSE AT A HEARING  
18 WHY HIS LICENSE SHOULD NOT BE REVOKED. THE COLLECTOR SHALL HAVE  
19 THE OPPORTUNITY TO CONFRONT WITNESSES AGAINST HIM, TO PRESENT  
20 EVIDENCE ON HIS OWN BEHALF AND MAY BE REPRESENTED BY AN ATTORNEY.  
21 THE COLLECTOR SHALL HAVE THE RIGHT TO APPEAL THE DECISION OF THE  
22 DIRECTOR OF PUBLIC WORKS TO THE COUNTY COUNCIL OR ITS DESIGNATED  
23 APPEALS BOARD. Said bond must remain in force during all periods  
24 of licensed operation.

25 (6) Each vehicle issued a Harford County license shall  
26 display such license number in a clearly visible place. The  
27 license plate shall be bolted to the vehicle in a manner similar  
28 to State vehicle tag.

29 (c) Other State Jurisdictions: Neighboring or adjacent

1 Works and the Harford County Health Department before using any  
2 disposal facilities in this County.

3 (d) Storage or Accumulation of Refuse: All persons shall  
4 keep their premises free from such accumulation of improperly  
5 stored refuse so as not to constitute a menace to the health or  
6 safety of any person or persons.

7 (1) All garbage and trash shall be stored in approved  
8 commercially available type containers with tight fitting covers  
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1 or placed in heavy plastic bags and tied.

2 (2) The occupant of any premises shall be responsible  
3 for the sanitary condition of the premises occupied or owned by  
4 him, and it shall be unlawful for any person to place, deposit,  
5 or allow refuse to be placed or deposited on his premises.

6 (3) The owner of any unimproved lot or parcel of land,  
7 shall be responsible for the removal of any menace to public  
8 health, welfare or safety arising from the growth of weeds,  
9 accumulation of garbage, trash or refuse, the presence of  
10 stagnant water or waste, or of any combustible material. If any  
11 person fails, within thirty (30) days after notice of violation,  
12 to abate any of the above condition, or conditions not described  
13 herein that would be a menace to public health, safety, or  
14 welfare, removal may be effected by County employees or by  
15 contract with independent contractors. This notice may be  
16 issued by the County Executive, the Director of Public Works, or  
17 the Department of Health. It may be given by posting the premises  
18 or by mailing a copy by registered mail to the last known address  
19 of the person in whose name the property is assessed for taxation.

20 (4) The cost and expense of abating the nuisance shall  
21 be certified by the Director of Public Works to the Treasurer  
22 of Harford County, together with the name or names of the  
23 property owner. These charges shall constitute a lien upon the  
24 real estate and be collectible in the same manner as real property  
25 taxes with the same priority, interest and penalties.

26 (e) Collection and Transportation:

27 (1) All collection vehicles shall be sufficiently water  
28 tight to prevent loss of liquid from waste matter.

29 (2) All open type vehicles shall be covered between

1 (3) Collection points shall be left clean and free  
2 of debris, trash and other refuse after collection is made.

3 (4) All collection vehicles shall be kept clean  
4 so as to minimize odors and prevent insect breeding and rodent  
5 feeding.

6 (5) Garbage and trash shall be placed in the same  
7 container. All containers shall be kept clean and in good repair.

8 (6) All articles such as boxes, crates, magazines,  
9 tree trimmings, hedge cuttings, etc., will be broken down and  
10 tied in compact bundles not heavier than sixty (60) pounds nor  
11 more than four (4) feet in length to permit safe and rapid  
12 handling by one (1) man..

13 (7) Flowers, grass cuttings, weeds and small garden  
14 debris shall be placed in regular containers, except as defined  
15 in paragraph (8) below.

16 (8) Excess refuse that will not fit into regulation  
17 containers must be prepared in a neat and compact bundle as  
18 specified in paragraph (6) above, or placed in a disposable  
19 container. On day of collection all containers will be placed  
20 at front curb or property line, or other site within the property  
21 as agreed upon by the collector. No more than two (2) bundles or  
22 two (2) plastic bags of leaves shall be placed for removal on  
23 each collection day.

24 (9) All containers for trash and garbage shall be of  
25 commercially available type and equipped with handles and tight  
26 fitting covers. For mixed trash and garbage, container size  
27 shall be not more than thirty-one (31) gallons and no single  
28 filled container or bundle shall exceed sixty (60) pounds. Cardboard  
29 boxes, baskets, oil or chemical drums are not acceptable as



1 prior arrangement by calling the Department of Public Works.

2 These items include any large or bulky items which the contract  
3 collectors are not obligated to collect. The Director shall  
4 have the right to establish reasonable collection fees for  
5 such bulky items.

6 (11) The collection and disposal of hazardous and  
7 special waste shall be resolved by consultation with the Director  
8 of Public Works and subject to the approval of the County Health  
9 Officer.

10 (12) All contractors engaged in collection of trash  
11 and garbage shall establish and maintain a frequency of  
12 collection at least once weekly in rural areas and twice weekly  
13 on all urban routes. The frequency of collection from commercial  
14 and/or industrial establishments will be determined on an  
15 individual basis.

16 (f) Material Handling, Construction and Demolition:

17 (1) The prime contractor shall assure that all  
18 construction site waste is controlled in such a manner as to  
19 prevent dispersion of waste materials during any phase of  
20 construction.

21 (2) Collection containers and/or vehicles will be  
22 located on all construction sites for the disposal of waste  
23 construction materials and other debris. A sufficient  
24 number of containers and/or vehicles will be available to  
25 adequately serve each individual site.

26 (3) Developers, contractors, subcontractors, and/or  
27 property owners shall be responsible for preventing accumulation  
28 of earth or other materials, which have been transported to  
29 or from the construction sites by trucks, cars or earth

1 materials or other materials that can fall or be blown overboard  
2 during movement will be covered with suitable canvas or other  
3 approved covering.

4 (5) Water or suitable chemicals will be used for  
5 the control of dust during the demolition of buildings, or  
6 structures, construction operations, the grading of roads or the  
7 clearing of land.

8 (6) Asphalt, oil, water or suitable chemicals will be  
9 used on all dirt roads to prevent dust from becoming a nuisance.

10 (g) Collection of Liquid Waste:

11 (1) All persons engaged in collection and transporta-  
12 tion of liquid waste shall comply with paragraph (b) of this law.

13 (2) All septic tank waste shall be disposed of only  
14 at those manhole sites as designated by the Director of Public  
15 Works, with concurrence of local health officer.

16 (3) All vehicles used in the enterprise of liquid  
17 waste disposal shall be used only for this purpose. All tanks,  
18 hoses and pumps shall be leakproof.

19 (4) Septic tank vehicles shall have lettering on each  
20 side of tank, as follows: "Sewerage Only" and gallons of tank  
21 capacity. Lettering shall be as specified in paragraph (b) (4)  
22 above.

23 (5) Septic tank waste and/or partially digested sludge  
24 waste shall not be dumped on any open areas such as parkland or  
25 farmland, but shall be disposed of in accordance with paragraph  
26 (g) (2) above.

27 (h) Incineration:

28 Any person disposing or contemplating disposal of  
29 refuse on his property by open burning must observe the following

1 (1) Make application to the Air Pollution Control  
2 Office of the Health Department for an Open Burning Permit.

3 (2) No burning of refuse or land clearing debris will  
4 be done within Two Hundred (200) yards of one (1) or more occupied  
5 buildings or a heavily traveled roadway provided that on or  
6 after July 1, 1973, this distance shall not be less than Five  
7 Hundred (500) yards.

8 (3) Any materials which produce dense smoke when  
9 burned, including, but not limited to, tires, asphaltic materials,  
10 automobile bodies, or parts thereof, will not be burned.

11 (4) Burning of household trash and garbage is  
12 prohibited in all areas where collection service is available.

13 (5) All types of refuse open burning is prohibited  
14 within town or village limits, within subdivision housing  
15 developments, or such other densely populated areas as may be  
16 specified by the Harford County Health Officer.

17 (6) Effective July 1, 1972, open burning of leaves will  
18 be done only in those areas that are at least Three Hundred (300)  
19 feet from any occupied building or a heavily traveled roadway.  
20 Leaf burning is also prohibited in those areas as specified in  
21 paragraph (h) (5) above.

22 (i) Enforcement:

23 (1) Any person charged with a violation of any  
24 provision of this law shall be issued a notice of violation.  
25 This notice shall advise the violator of the nature of the  
26 violation and shall order the corrective actions required and  
27 specify the time limit within which the corrections shall be  
28 made. The time limit shall be based upon the urgency necessitated  
29 by the nature of the violation and immediacy of the threat to

1 be achieved by injunction, by civil suit for damages, or by  
2 criminal proceedings.

3 (3) Civil Enforcement:

4 (i) Injunctive relief shall be available in the  
5 event that an action for damages would afford inadequate relief.

6 (ii) An action may be brought by the County for  
7 damages, including punitive damages, against any violator of any  
8 of the provisions of this law.

9 (4) Criminal Enforcement:

10 (i) It shall be a misdemeanor for any person to  
11 violate any provision of this law, and, upon conviction of such  
12 violation, said person shall be punished by a fine of not more  
13 than One Thousand Dollars (\$1,000.00) or imprisonment of not more  
14 than six (6) months, or both.

15 (ii) Each violation of any section or subsection  
16 of this law shall constitute a separate and distinct offense,  
17 independent of the violation of any other section or subsection  
18 or of any order issued pursuant to this law. Each day of  
19 violations shall constitute an additional, separate and distinct  
20 offense.

21 (5) Any person charged with a violation of any pro-  
22 vision of this law shall be issued a summons requiring him/her  
23 to appear on a day named therein, before the District Court for  
24 Harford County. It shall be the duty of at least two (2)  
25 appointed representatives of the Director of Public Works and  
26 at least one (1) representative of the County Health Department,  
27 under provisions of this ordinance, to issue such summons. Each  
28 summons shall contain the following:

29 (i) Name and address of the person charged with

1 (iii) The offense with which said person is  
2 charged.

3 (iv) Time and place the person shall appear in  
4 Court.

5 (v) A space in which the person may endorse the  
6 summons and such other pertinent information as shall be deemed  
7 appropriate. The person to whom a summons has been issued shall  
8 signify his willingness to appear before the Court named, on  
9 the day specified, by endorsement of said summons. If such  
10 person shall fail to appear, the District Court shall issue a  
11 warrant for the arrest of the said person or in lieu of said  
12 warrant may send by certified mail a summons to the violator at  
13 his last known address, setting the case for trial on a date at  
14 least two (2) weeks subsequent to the original trial date.

15 (vi) The time specified to appear on the original  
16 summons shall be at least five (5) days after the alleged  
17 violation unless the person charged with the violation requests  
18 an earlier hearing date.

19 (6) If a person does not willingly consent in writing  
20 to issuance of the summons or is not a resident of the State of  
21 Maryland and if a police officer witnessed the violation, he shall  
22 proceed to arrest the person. If the appointed representative  
23 who witnessed the violation is not a police officer, he shall  
24 proceed to obtain a warrant from the District Court or authorized  
25 Magistrate or Judge of a competent jurisdiction in the manner  
26 provided by law.

27 (7) Nothing in this law shall be construed to abridge,  
28 limit, or otherwise impair the right of any person to damages or  
29 other relief on account of injuries to persons or property and to

1 Officer cooperating jointly to promulgate and publish any  
2 Regulations necessary to carry out and promote the intent and  
3 purpose of this law, provided that the Regulations are subject  
4 to public hearing as required by Section 807 of the Charter of  
5 Harford County, Maryland.

6 (k) Severability. If any provision of this subtitle  
7 or the application thereof to any person or circumstance is held  
8 invalid for any reason, the invalidity shall not affect the  
9 other provisions or any other application of this subtitle which  
10 can be given effect without the invalid provisions or applica-  
11 tions, and to this end all of the provisions of this subtitle are  
12 declared to be severable.

13 Section 2. And Be It Further Enacted, that this Act is hereby  
14 declared to be an emergency measure and necessary for the  
15 immediate preservation of the public health, safety and welfare,  
16 and shall take effect the date it becomes law.

17 Effective: November 6, 1973  
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BY THE COUNCIL

Read the third time.

Passed LSD 73-31 - OCTOBER 16, 1973 (With Amendments)~~Failed of Passage~~  
~~XXXXXXXXXXXXXX~~

By order

Eugene B. Johnston, SecretarySealed with the County Seal and presented to the County Executive for his  
approval this 17TH day of OCTOBER, 1973 at  
2:00 o'clock P.M.Eugene B. Johnston, Secretary

BY THE EXECUTIVE

APPROVED:

Charles B. Anderson, Jr.  
Charles B. Anderson, Jr., County ExecutiveDATE 11-6-73

BY THE COUNCIL